REMARKS / ARGUMENTS

Status of Claims

Claims 1 and 6-22 were pending and have been rejected by the Examiner. Claims 1, 17, and 20-22 have been amended. Accordingly, claims 1 and 6-22 are presented and at issue.

Rejections Under 35 U.S.C. §101

The Examiner rejected claims 20-22 under 35 USC 101 because the claimed invention is allegedly directed to non-statutory subject matter. The examiner stated the language of the claims raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical producing concrete, useful and tangible result to form the basis of statutory subject matter.

Claims 20-22 have been amended to recite statutory subject matter under 35 USC 101. More specifically, independent claim 20 now recites "A computer program product for interacting with a monitor, the computer program product comprising a storage medium readable by a processing circuit and storing instructions for execution by the processing circuit for facilitating a method comprising...". Dependent claims 21 and 22 have been amended to provide consistency with amended claim 20. Moreover, these recitations are consistent with the language presented in paragraph [0014] of Applicants' specification. No new matter has been added. In view of the foregoing changes, it is submitted that claims 20-22 now meet all applicable requirements of 35 USC 101.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 6-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hutchinson et al. (Patent No. 6,152,563) in view of Tognazzini et al. (Patent No. 5,731,805).

Applicants traverse this rejection for the following reasons. The Examiner's obviousness rejection based on Hutchinson in view of Tognazzini is improper as Hutchinson and Tognazzini fail to teach or suggest each and every element of the instant invention in such a manner as to perform as the claimed invention performs. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

Independent claims 1 and 20 have been amended to recite, inter alia, "further monitoring the input indicator to detect renewed activity comprising at least one of a detected movement of a cursor or a detected movement of the user's eye and, in response to the detected renewed activity, restoring the target object to an unmodified size and restoring the output displayed on the monitor to an unmodified appearance." Similar recitations were added to independent claim 17. Support for the foregoing recitations is found throughout Applicants' specification. Refer, for example, to Applicants' specification at FIG. 4B and paragraphs [0084] –[0085]. No new matter has been added.

Hutchinson discloses a user interface control that utilizes one or more moving graphical objects called "comets" which can be operated solely by the eye gaze of a user. At col. 5, lines 7-23, Hutchinson states "[a] basic principle underlying the present invention is that, while eye tracking technology and the human visual system are likely performing close to theoretical limits for stationary targets, by placing visual targets in motion, the unwanted, involuntary motion of the eye becomes of no consequence....the eye does particularly well at smoothly tracking targets that are moving in the range of 1 to 30 degrees of visual angle per second. Hence...the user interface controls of the invention are placed into motion (i.e., they are animated)." Examples of Hutchinson's animated comets are shown in FIGs. 4A-4J.

With reference to FIG. 7 of Hutchinson, a test is performed to determine whether or

not a user's gaze is fixating. If so, a timer is set to perform dwell time activation of mouse control operations. Hutchinson describes these operations in greater detail at col. 4, lines 27-28, and also at col. 12, lines 27-37. More specifically, Hutchinson uses a collapsing rectangle that goes through different phases to signal to the user the different actions that can be performed. If the user allows the circle to reach the end of its collapse, the system clicks once on where the user was looking.

The technique disclosed in Hutchinson differs vastly from the approach set forth in Applicants' claims 1, 17, and 20. More specifically, Hutchinson's interface for utilizing animated graphical objects is completely distinguishable from Applicants' claimed approach which performs further monitoring of the input indicator to detect renewed activity comprising at least one of a detected movement of a cursor or a detected movement of the user's eye and, in response to the detected renewed activity, restoring the target object to an unmodified size and restoring the output displayed on the monitor to an unmodified appearance." Hutchinson fails to disclose or suggest the foregoing features claimed by Applicants.

An additional distinguishing feature is that Applicants' claimed approach uses stationary target objects, whereas the technique disclosed in Hutchinson uses animated graphical objects. Thus, Applicants' claimed techniques permit a user to select a stationary target object through eye-gazing tracking by identifying at least one particular pixel being gazed at by the user. Since Hutchinson uses moving graphical objects, these objects will not appear at a particular pixel, but rather move about the screen from pixel to pixel. Hutchinson fails to disclose identifying the stationary target object through eye-gazing tracking by identifying at least one particular pixel being gazed at by the user.

Tognazzini fails to remedy the deficiencies of Hutchinson. Tognazzini discloses a system and method for eyetrack-driven text enlargement. With reference to FIGs. 10-12 of Tognazzini, a monitor displays a news article and selectively enlarges a portion of the article in response to detecting a user's gaze. However, Tognazzini fails to disclose or

suggest Applicants' claimed procedures, systems, and computer program products for performing further monitoring of the input indicator to detect renewed activity comprising at least one of a detected movement of a cursor or a detected movement of the user's eye and, in response to the detected renewed activity, restoring the target object to an unmodified size and restoring the output displayed on the monitor to an unmodified appearance. By contrast, col. 14, lines 24-38 of Tognazzini state that, if the computer detects that a user's gaze has moved from an expanded article to a different title, the text of the previously expanded article is reduced, but the text of the article associated with the expanded article is expanded. Thus, Tognazzini fails to disclose detecting renewed activity and, in response thereto, restoring the target object to an unmodified size and restoring the output displayed on the monitor to an unmodified appearance.

In view of the foregoing considerations, Applicants submit that Tognazzini and Hutchinson fail to teach or suggest each and every element of the invention as set forth in independent claims 1, 17, and 20. It is further submitted that independent claims 1, 17, and 20 are allowable over the prior art of record. Claims 6-9 and 11-16 depend from independent claim 1 and include all recitations thereof. Similarly, claims 18-19 depend from independent claim 17 and include all recitations thereof. Finally, claims 21 and 22 depend from independent claim 20 and includes all recitations thereof. Accordingly, dependent claims 6-9, 11-16, 18-19 and 21-22 are allowable over the prior art of record for the reasons indicated above with respect to independent claims 1, 17, and 20.

Hutchinson and Tognazzini are wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what Applicants have done, fail to recognize a problem recognized and solved only by the present invention, and disclose a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection under 35 U.S.C. §103(a), and Applicants now consider this rejection to be

traversed.

In light of the foregoing remarks and amendments, Applicants respectfully submit that the Examiner's rejections under 35 U.S.C. §103(a), have been traversed, and that the application is now in condition for allowance. Such action is therefore respectfully requested.

If a communication with Applicants' Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.
The Commissioner is hereby authorized to charge any additional fees that may be 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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